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**To:** Inca Textiles, LLC ([mail@ganzlaw.com](mailto:mail@ganzlaw.com))

**Subject:** TRADEMARK APPLICATION NO. 78940043 - INCA MAMA - INC-3.001

**Sent:** 11/20/2007 4:04:51 PM

**Sent As:** ECOM117@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/940043

**MARK:** INCA MAMA



**CORRESPONDENT ADDRESS:**

BRADLEY M. GANZ  
GANZ LAW, P.C.  
PO BOX 2200  
HILLSBORO, OR 97123-1921

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Inca Textiles, LLC

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

INC-3.001

**CORRESPONDENT E-MAIL ADDRESS:**  
mail@ganzlaw.com

## REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 11/20/2007

Applicant is requesting reconsideration of a final refusal issued May 21, 2007.

Applicant's amendment to identification of goods is accepted.

With respect to the refusal under Section 2(d), the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Accordingly, applicant's request for reconsideration is *denied as to the refusal under Section 2(d)*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

The final refusal under Section 2(d) is reiterated and continued below. Additional comments also are included.

### Likelihood of Confusion

Registration of the proposed mark is refused because of a likelihood of confusion with the mark(s) in U.S. Registration No(s). 2735016. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration(s).

Taking into account the relevant *DuPont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*

Regarding the issue of likelihood of confusion, all circumstances surrounding the sale of the goods and/or services are considered. *Industrial Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973). These circumstances include the marketing channels, the identity of the prospective purchasers, and the degree of similarity between the marks and between the goods and/or services. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning is sufficient to find a likelihood of confusion. In comparing the goods and/or services, it is necessary to show that they are related in some manner. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1536 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *In re Mack*, 197 USPQ 755, 757 (TTAB 1977); TMEP §§1207.01 *et seq.*

### Comparison of the Marks

Specifically, Applicant's mark is "INCA MAMA."

The registered mark is "INCA GIRL" and design.

Applicant's mark and the mark(s) of the registrant(s) are highly similar. Specifically, "INCA" is the

dominant portion of each mark. The marks are compared in their entireties under a Section 2(d) analysis. Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987); TMEP §1207.01(b)(viii). In this case, the dominant portions are identical in sound, meaning and commercial impression.

Moreover, the wording in each mark consists of "INCA" plus a term for a woman or female. In this regard, both "MAMA" and "GIRL" may be used to refer to grown women and younger females (the term "MAMA" also refers to a mother; see attached definitions).

Finally, when a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods or services. Therefore, the word portion in the registrant's mark is controlling in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

***Applicant's Argument and Response Thereto:***

Applicant has essentially argued that the term "INCA" and marks containing the term are "weak." Applicant also specifically mentioned that traditional Incan clothing was made of alpaca wool and that applicant makes some clothing with alpaca wool. The examiner appreciated the argument, but it is a rather big step to say that because clothing made of Alpaca wool was found in the Incan civilization that "INCA" should then be considered "weak" for clothing marks.

Even assuming *arguendo* that "INCA" is weak, weak marks are still entitled to protection against registration by a subsequent user of the same or similar mark for the same or closely related goods or services. See *Hollister Incorporated v. Ident A Pet, Inc.*, 193 USPQ 439 (TTAB 1976) and cases cited therein.

**Comparison of the Goods/Services**

In this case, applicant's goods are maternity wear and clothing for pregnant and nursing women, namely sweaters, wraps, coats, dresses, skirts, shirts, tops, pants, and nightgowns.

The goods in the registration are clothing, namely, tee shirts, sweatshirts, shorts, pants, jeans, jackets, skirts, dresses, caps and socks and footwear, namely, shoes, sandals and boots. ***Likelihood of confusion is determined on the basis of the goods or services as they are identified in the application and the registration.*** *Canadian Imperial Bank of Commerce v. Wells Fargo Bank*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987); *Paula Payne Products Co. v. Johnson Publishing Co., Inc.*, 473 F.2d 901, 177 USPQ 76 (C.C.P.A. 1973). Since the identification of registrant's goods is broad, it appears that registrant's goods include maternity clothing, namely, maternity tee shirts, sweatshirts, shorts, pants, jeans, jackets, skirts, dresses, caps and socks and footwear, namely, shoes, sandals and boots. *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981); *In re Optica International*, 196 USPQ 775 (TTAB 1977); TMEP §1207.01(a)(iii).

Moreover, many entities provide a variety of clothing items and many entities provide both maternity and non-maternity clothing. In this regard, attached to the final Office action were copies of printouts and attached hereto are additional copies of printouts, all from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods as those of applicant and registrant(s) in this case. These printouts have probative value to the extent that they serve to suggest that the goods listed therein are of a kind that may emanate from a single source. *In re Infinity Broadcasting Corp. of Dallas*, 60 USPQ2d 1214, 1218 (TTAB 2001), citing *In re Albert Trostel & Sons*

Co., 29 USPQ2d 1783, 1785-86 (TTAB 1993); and *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988).

The examiner also refers to 1) the articles attached to the final Office action that were obtained using the GOOGLE® internet search engine, and 2) the attached additional evidence obtained via the Google® internet search engine, all demonstrating that many entities provide both maternity clothing as well as other clothing items (see attachments).

***Applicant's Argument and Response Thereto:***

Applicant argued that the trade channels for its goods differ from those for registrant's goods.

The examiner appreciates the information provided by applicant. However, neither the application nor the registration(s) contain any limitations regarding trade channels for the goods and therefore it is assumed that registrant's and applicant's goods are sold everywhere that is normal for such items, i.e., clothing and department stores. Thus, it can also be assumed that the same classes of purchasers shop for these items and that consumers are accustomed to seeing them sold under the same or similar marks. See *Kangol Ltd. V. KangaROOS U.S.A. Inc.*, 974 F.2d 161, 23 USPQ2d 1945 (Fed. Cir. 1992); *In re Smith and Mehaffey*, 31 USPQ2d 1531 (TTAB 1994).

Moreover, the evidence referenced above demonstrates that many folks have regular clothing and maternity clothing goods. Similarly, the decisions in the clothing field have held many different types of apparel to be related under Section 2(d). *Cambridge Rubber Co. v. Chuett, Peabody & Co., Inc.*, 286 F.2d 623, 128 USPQ 549 (C.C.P.A. 1961) ("WINTER CARNIVAL" for women's boots v. men's and boys' underwear); *Jockey Int'l, Inc. v. Mallory & Church Corp.*, 25 USPQ2d 1233 (TTAB 1992) ("ELANCE" for underwear v. "ELAAN" for neckties); *In re Melville Corp.* 18 USPQ2d 1386 (TTAB 1991) ("ESSENTIALS" for women's pants, blouses, shorts and jackets v. women's shoes); *In re Pix of America, Inc.*, 225 USPQ 691 (TTAB 1985) ("NEWPORTS" for women's shoes v. "NEWPORT" for outer shirts); *In re Mercedes Slacks, Ltd.*, 213 USPQ 397 (TTAB 1982) ("OMEGA" for hosiery v. trousers); *In re Cook United, Inc.*, 185 USPQ 444 (TTAB 1975) ("GRANADA" for men's suits, coats, and trousers v. ladies' pantyhose and hosiery); *Esquire Sportswear Mfg. Co. v. Genesco Inc.*, 141 USPQ 400 (TTAB 1964) ("SLEEX" for brassieres and girdles v. slacks for men and young men).

Accordingly, registration must be refused because the average purchaser would be likely to conclude that applicant's goods and those in the cited registration(s) emanate from a common source.

Based on the foregoing, the final refusal is continued and the request for reconsideration is denied.

If applicant has any questions, please do not hesitate to contact the undersigned.

/Maureen Dall/

Maureen L. Dall  
Trademark Attorney, Law Office 117  
United States Patent and Trademark Office  
Phone: 571-272-9714

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months,

please contact the assigned examining attorney.

**Print: Nov 20, 2007**

**76429402**

**DESIGN MARK**

**Serial Number**

76429402

**Status**

REGISTERED

**Word Mark**

DEBBI O

**Standard Character Mark**

No

**Registration Number**

3307687

**Date Registered**

2007/10/09

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Zoomers, Inc. CORPORATION NEW YORK 32 33rd Street Brooklyn NEW YORK  
11232

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing for adults, teenagers, children and babies, namely, shirts, t-shirts, tank shirts, golf shirts, dresses, jumpers, pants, sweat shirts, sweat pants, shorts, coats, jackets, warm-up suits, briefs, bathing suits, bathing trunks, beachwear, hats, visors, jerseys, neckties, pajamas, nightgowns, sleepers, rompers, baby bibs not of paper, cloth diapers, socks, shoes, boots and booties, lingerie, namely, bras, panties, slips, camisoles, bustiers and teddies, maternity clothing, namely, shirts, t-shirts, tank shirts, golf shirts, sweaters, blouses, dresses, skirts, jumpers, jumpsuits, overalls, pants, sweat shirts, sweat pants, shorts, coats, jackets, warm-up suits, bathing suits, beachwear, jerseys, pajamas, nightgowns, and lingerie, namely, bras, panties, slips, camisoles, bustiers, and teddies. First Use: 2007/01/15. First Use In Commerce: 2007/01/15.

**Name/Portrait Statement**

The name "DEBBI O" identifies a living individual whose consent is of

**Print: Nov 20, 2007**

**76429402**

record.

**Filing Date**  
2002/06/01

**Examining Attorney**  
STEPHENS, SONYA

**Attorney of Record**  
Rebecca Nunberg



**DEBBI O**

**Print: Nov 20, 2007**

**76524292**

**DESIGN MARK**

**Serial Number**

76524292

**Status**

REGISTERED

**Word Mark**

POWER PLANT LIVE!

**Standard Character Mark**

No

**Registration Number**

3211701

**Date Registered**

2007/02/20

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

LIVE! HOLDINGS, LLC LTD LIAB CO MARYLAND 601 EAST PRATT STREET  
BALTIMORE MARYLAND 21202

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: T-shirts, sweat shirts, belts, neckties, suspenders, bandannas, beach sandals, infant and toddler nightwear, bathrobes, nightshirts, pajamas and loungewear, beach cover-up dresses, cloth diapers, toddler short and top outfits, girls knit dresses with pants outfits, boys short and top outfits, girls skirt/panty combinations, socks, playsuits, coveralls, union suits, shorts, pants and slacks, shirts, jackets, sweaters, parkas, turtlenecks, mittens, gloves, underwear, rompers, jerseys, maternity tops, bow ties, headwear and scarves, ear muffs, earbands and headbands, hosiery, rainwear, namely, rain ponchos and jackets, footwear, namely, shoes, boots and slippers; bath thongs, nylon parkas, hats, caps, visors, aprons, ski and cloth bibs, canvas footwear, knickers, wind resistant jackets, golf suits and hats, blazers, legwarmers, jeans, leotards, workout and sports apparel, namely, shorts, jackets, slacks and shirts and ski masks. First Use: 2002/05/00. First Use In Commerce: 2002/05/00.

**Print: Nov 20, 2007**

**76524292**

**Prior Registration(s)**  
2215519

**Filing Date**  
2003/06/13

**Examining Attorney**  
SNYDER, NELSON

**Attorney of Record**  
Ned T. Himmelrich

POWER PLANT LIVE!

**Print:** Nov 20, 2007

**76643345**

**DESIGN MARK**

**Serial Number**

76643345

**Status**

REGISTERED

**Word Mark**

PRECIOUS IMAGE

**Standard Character Mark**

Yes

**Registration Number**

3203280

**Date Registered**

2007/01/30

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Houston, Sylvia INDIVIDUAL UNITED STATES 4414 Cannon Road Loganville  
GEORGIA 30052

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Apparel and accessories for women and children, namely, shirts, tops, gowns, slips, camisoles, blouses, dresses, evening dresses, cocktail dresses, suits, skirts, culottes, jackets, slacks, shorts, undergarments, bras, lingerie, teddies, swim wear, gym suits, nightgowns, robes, coats, hats, bonnets; and maternity and nursing clothing, namely, shirts, tops, gowns, slips, camisoles, blouses, dresses, evening dresses, cocktail dresses, suits, skirts, culottes, jackets, slacks, shorts, undergarments, bras, lingerie, teddies, swim wear, gym suits, nightgowns, robes, coats, hats and bonnets. First Use: 1984/10/01. First Use In Commerce: 1984/10/01.

**Filing Date**

2005/07/21

**Examining Attorney**

PEREZ, STEVEN

**Print: Nov 20, 2007**

**76643345**

**Attorney of Record**  
Greg O'Bradovich

# **PRECIOUS IMAGE**

Print: Nov 20, 2007

77002577

**DESIGN MARK**

**Serial Number**

77002577

**Status**

REGISTERED

**Word Mark**

SWEET JAYS LTD.

**Standard Character Mark**

No

**Registration Number**

3267215

**Date Registered**

2007/07/24

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Sweet Jays Ltd. CORPORATION NEW YORK 24 Pheasant Hill Lane Old  
Brookville NEW YORK 11545

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Capri pants;  
Denims; Fabric belts; Halter tops; Leather belts; Lingerie; Maternity  
lingerie; Night gowns; Night shirts; Pants; Petti-pants; Robes;  
Shirts; Short-sleeved or long-sleeved t-shirts; Sweat pants; Sweat  
shirts; Sweat shorts; Sweat suits; Tops; Undershirts. First Use:  
2004/10/28. First Use In Commerce: 2004/10/28.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE LTD. APART FROM THE  
MARK AS SHOWN.

**Lining/Stippling Statement**

The stippling is a feature of the mark.

**Description of Mark**

The mark consists of The wording SWEET JAYS LTD. with a boot design.



**Print: Nov 20, 2007**

**77002577**

**Filing Date**  
2006/09/19

**Examining Attorney**  
WELLS, CHRIS

**Attorney of Record**  
Craig J.J. Snyder



*Sweet Jays Ltd.*

Print: Nov 20, 2007

77011389

## DESIGN MARK

### Serial Number

77011389

### Status

REGISTERED

### Word Mark

ESCES S SECSE

### Standard Character Mark

No

### Registration Number

3273470

### Date Registered

2007/08/07

### Type of Mark

TRADEMARK

### Register

PRINCIPAL

### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

### Owner

Lubeski, Joseph James INDIVIDUAL UNITED STATES 37126 Colgate Ct.  
Sterling Heights MICHIGAN 48310

### Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Adhesive bras; After ski boots; Anglers' shoes; Ankle boots; Ankle socks; Anklets; Anti-perspirant socks; Apres-ski shoes; Athletic shoes; Ballet shoes; Ballet slippers; Balloon pants; Baseball caps; Baseball shoes; Bath slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing suits; Bathing suits for men; Bathing trunks; Beach shoes; Bed jackets; Belts; Belts made of leather; Belts of textile; Bicycle gloves; Bicycling gloves; Bikinis; Boots; Bowling shoes; Boxing shoes; Bras; Briefs; Camp shirts; Canvas shoes; Cap visors; Capri pants; Caps; Cargo pants; Chef's hats; Choir robes; Cleats for attachment to sports shoes; Climbing boots; Cycling shoes; Cyclists' jerseys; Deck-shoes; Denim jackets; Denims; Disposable slippers; Disposable underwear; Down jackets; Dress shields; Dress shirts; Dress suits; Dresses; Dresses made from skins; Dressing gowns; Ear muffs; Evening dresses; Fabric belts; Fishermen's jackets; Fishing vests; Fitted swimming costumes with bra cups; Foam pedicure slippers; Football boots and studs therefor; Football shoes; Fur coats and jackets; Fur

hats; Fur jackets; Fur muffs; Garter belts; Gloves; Gloves for personal hand conditioning use; Gloves including those made of skin, hide or fur; Golf shirts; Golf shoes; Gymnastic shoes; Handball shoes; Hat bands; Hats; Head scarves; Head sweatbands; Headbands; Headbands against sweating; Heavy jackets; Heel pieces for shoes; Hiking boots; Hockey shoes; Hoods; Hoods; Horse-riding boots; Hunting boot bags; Hunting vests; Infants' shoes and boots; Insoles; Jackets; Japanese sleeping robes (nemaki); Japanese style clogs and sandals; Japanese style sandals (zori); Japanese style sandals of felt; Japanese style sandals of leather; Japanese style socks (tabi covers); Japanese style socks (tabi); Japanese toe-strap sandals (asaura-zori); Jerseys; Jogging pants; Knee-high stockings; Knit shirts; Knitted underwear; Lace boots; Ladies' boots; Ladies' underwear; Leather belts; Leather jackets; Leather pants; Leather shoes; Leather slippers; Light-reflecting jackets; Lingerie; Long jackets; Long sleeved vests; Maternity lingerie; Men and women jackets, coats, trousers, vests; Men's socks; Mittens; Mock turtle-neck sweaters; Money belts; Morning coats; Motorcycle gloves; Motorcyclist boots; Mountaineering boots; Muffs; Night shirts; Non-disposable cloth training pants; Nurse dresses; Nurse pants; Open-necked shirts; Over coats; Panties; Panties, shorts and briefs; Pants; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Pedicure sandals; Pedicure slippers; Perspiration absorbent underwear clothing; Petti-pants; Pique shirts; Pleated skirts for formal kimonos (hakama); Polo shirts; Protective metal members for shoes and boots; Quilted vests; Rain boots; Rain coats; Rain jackets; Raincoats; Rainproof jackets; Riding boots; Riding coats; Riding gloves; Robes; Rubber shoes; Rugby shoes; Running shoes; Sandal-clogs; Sandals; Scarves; Sedge hats (suge-gasa); Shirt fronts; Shirt yokes; Shirts; Shirts for suits; Shoe dowels; Shoe inserts for primarily non-orthopedic purposes; Shoe pegs; Shoe soles; Shoes; Shoes soles for repair; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shoulder scarves; Silk scarves; Ski and snowboard shoes and parts thereof; Ski bibs; Ski boot bags; Ski boots; Ski gloves; Ski jackets; Ski masks; Ski pants; Ski suits; Ski suits for competition; Ski wear; Skiing shoes; Skirt suits; Skirts; Skirts and dresses; Sleep masks; Sleep shirts; Sleeping garments; Sleeved or sleeveless jackets; Sleeveless jerseys; Slipper soles; Slippers; Small hats; Smoking jackets; Snow pants; Snowboard boots; Snowboard gloves; Snowboard pants; Soccer boots; Soccer shoes; Sock suspenders; Socks; Socks and stockings; Soles for Japanese style sandals; Sport coats; Sport shirts; Sports bra; Sports jackets; Sports jerseys; Sports jerseys and breeches for sports; Sports shirts; Sports shirts with short sleeves; Stockings; Stockings; Strapless bras; Suede jackets; Suit coats; Surf wear; Suspender belts for men; Suspender belts for women; Sweat pants; Sweat shirts; Sweatbands; Sweaters; Swim caps; Swim trunks; Swim wear; Swim wear for gentlemen and ladies; Swimming caps; Swimming caps; Swimming costumes; Swimming trunks; T-shirts; Tap pants; Tap shoes; Tennis shoes; Thermal socks; Thermal underwear; Thongs; Thongs; Toboggan hats, pants and caps; Tongue or pullstrap for shoes and boots; Top

coats; Track and field shoes; Track pants; Training shoes; Trench coats; Turtleneck sweaters; Tuxedo belts; Underwear; Uppers for Japanese style sandals; Uppers of woven rattan for Japanese style sandals; V-neck sweaters; Vested suits; Vests; Volleyball shoes; Waist belts; Water socks; Waterproof jackets and pants; Wedding dresses; Wet suit gloves; Wet suits for water-skiing and sub-aqua; Wind coats; Wind resistant jackets; Wind shirts; Wind vests; Wind-jackets; Winter boots; Women's ceremonial dresses; Women's shoes; Women's underwear; Woollen socks; Woolly hats; Work shoes and boots; Woven or knitted underwear; Wrap belts for kimonos (datemaki); Wristbands; Wristbands containing a cooling substance to cool the wearer. First Use: 2006/09/20. First Use In Commerce: 2006/09/22.

**Colors Claimed**

The color(s) red, white, and black is/are claimed as a feature of the mark.

**Part of Mark in Color**

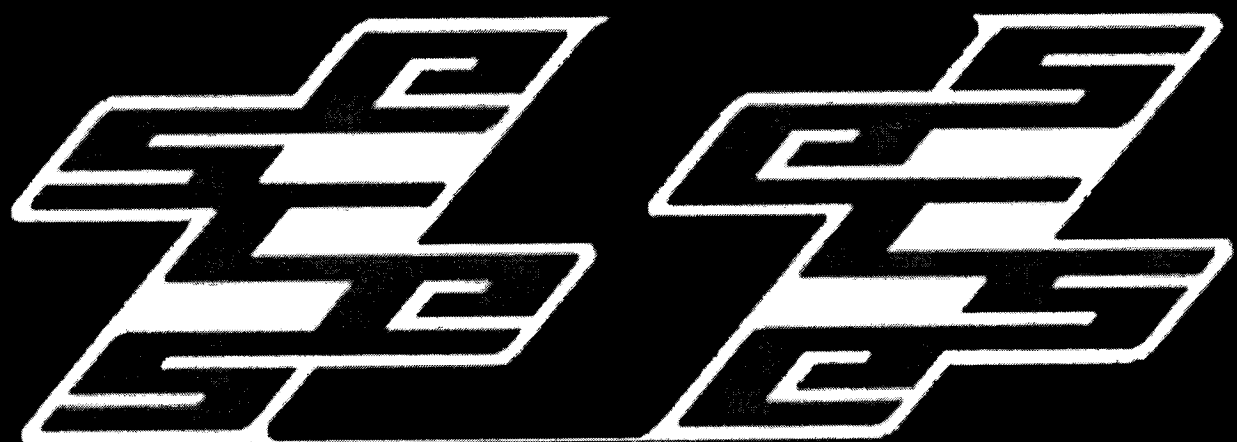
The mark consists of the words/names "escse" and "secse" in red letters outlined in white such that the negative space between them in black forms the letter "s".

**Filing Date**

2006/10/01

**Examining Attorney**

DINALLO, KEVIN



Print: Nov 20, 2007

77098562

**DESIGN MARK**

**Serial Number**  
77098562

**Status**  
REGISTERED

**Word Mark**  
ANNE QUEEN

**Standard Character Mark**  
Yes

**Registration Number**  
3316503

**Date Registered**  
2007/10/23

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
WU, WENZHI INDIVIDUAL CHINA PO Box 3155 Astoria NEW YORK 111030155

**Goods/Services**  
Class Status -- ACTIVE. IC 025. US 022 039. G & S: Bathing suits; Bed jackets; Body suits; Coats; Coats for men and women; Coats made of cotton; Crop tops; Down jackets; Dress shields; Dress shirts; Dress suits; Dresses; Dresses made from skins; Dressing gowns; Evening dresses; Evening gowns; Fur coats; Fur coats and jackets; Fur jackets; Gloves; Gloves including those made of skin, hide or fur; Gowns; Halter tops; Heavy jackets; Jackets; Knitted underwear; Ladies' suits; Ladies' underwear; Leather coats; Leather jackets; Leather pants; Long jackets; Maternity sleepwear; Men and women jackets, coats, trousers, vests; Men's suits; Men's suits, women's suits; Morning coats; Night gowns; Night shirts; Over coats; Pants; Shawls; Shawls and headscarves; Shawls and stoles; Shirts; Shirts for suits; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Skirt suits; Skirts; Skirts and dresses; Sleep shirts; Sleeping garments; Sleepwear; Sleeved or sleeveless jackets; Sports jackets; Suit coats; Suits; Suits of leather; Sweat shirts; Sweat suits; Swim wear; Swim wear for gentlemen and ladies; T-shirts; Tank tops; Tank-tops; Top coats; Tops; Underwear; Veils; Waterproof jackets and pants; Wedding

**Print: Nov 20, 2007**

**77098562**

dresses; Wedding gowns; Women's ceremonial dresses; Women's shoes;  
Women's underwear; Woven or knitted underwear. First Use: 2006/01/20.  
First Use In Commerce: 2006/01/20.

**Name/Portrait Statement**

The name Anne Queen does not identify a living individual.

**Filing Date**

2007/02/03

**Examining Attorney**

POLZER, NATALIE



ANNE QUEEN

**Print: Nov 20, 2007**

**78589125**

**DESIGN MARK**

**Serial Number**

78589125

**Status**

REGISTERED

**Word Mark**

DANIELLA SIMON

**Standard Character Mark**

Yes

**Registration Number**

3210216

**Date Registered**

2007/02/20

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Daniella Fashions, Inc. CORPORATION NEW YORK 315 W. 70th St. #81 New York NEW YORK 10009

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Loungewear; robes; swimwear; swimsuits; bikinis; tankinis; wraps; lingerie; underwear; foundation garments; tank tops; camisoles; camisoles with built-in bras, bras, hosiery, nursing bras, nursing sleepwear; nursing daywear, namely nursing tank tops, camisoles, shirts, and dresses; bridal, maternity and plus-size lingerie; bridal and maternity underwear; maternity loungewear; sleep wear; active wear, namely, sweat pants, sweat shirts, sweat jackets, and T-shirts. First Use: 2003/02/01. First Use In Commerce: 2003/02/01.

**Name/Portrait Statement**

The name Daniella Simon identifies a living individual whose consent is of record.

**Filing Date**

2005/03/17

**Print: Nov 20, 2007**

**78589125**

**Examining Attorney**  
SALEMI, DOMINICK

**Attorney of Record**  
ROSE AUSLANDER

**DANIELLA SIMON**

**Print: Nov 20, 2007**

**78634497**

**DESIGN MARK**

**Serial Number**

78634497

**Status**

REGISTERED

**Registration Number**

3231143

**Date Registered**

2007/04/17

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(2) DESIGN ONLY

**Owner**

World Threads, Inc. CORPORATION FLORIDA Suite 102 7400 N.W. 7th Street  
Miami FLORIDA 33126

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: INTIMATE APPAREL, NAMELY, LINGERIE, PANTIES, SHORTS, BRIEFS, BRAS, CAMISOLES AND CHEMISES; SLEEPWEAR, NAMELY, ROBES, PAJAMA SETS, NIGHTGOWNS AND PAJAMA PANTS; MATERNITY APPAREL, NAMELY, LINGERIE, PANTIES, SHORTS, BRIEFS AND BRAS, PAJAMA SETS, NIGHTGOWNS, PAJAMA PANTS AND LOUNGEWEAR; YOGA APPAREL, NAMELY, TOPS AND BOTTOMS; LOUNGEWEAR; SWIMWEAR. First Use: 2005/01/15. First Use In Commerce: 2005/01/15.

**Description of Mark**

The mark consists of A stylized flower design.

**Filing Date**

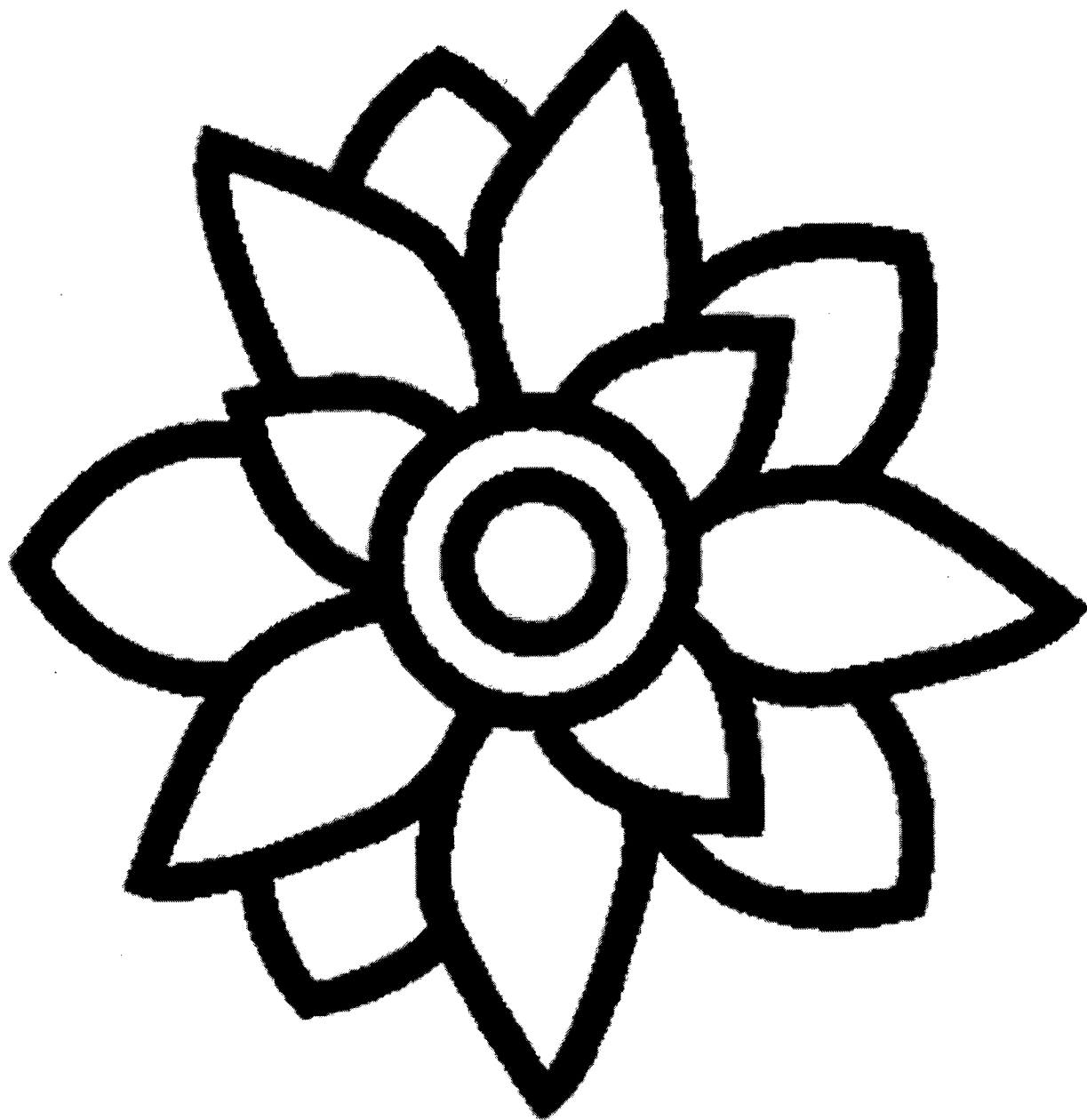
2005/05/22

**Examining Attorney**

GAST, PAUL FRANCIS

**Attorney of Record**

ADAM R AGENSKY



Print: Nov 20, 2007

78664247

## DESIGN MARK

### Serial Number

78664247

### Status

REGISTERED

### Word Mark

CABANA LIFE

### Standard Character Mark

No

### Registration Number

3326395

### Date Registered

2007/10/30

### Type of Mark

TRADEMARK

### Register

PRINCIPAL

### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

### Owner

Cabana Life LLC LTD LIAB CO NEW YORK # 356 54 Danbury Road Ridgefield  
CONNECTICUT 06877

### Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing and apparel for children, women and men, offering sun-protection of SPF 15 or higher, namely, shirts, pants, shorts, capris, skirts, dresses, tunics, cover-ups, wraps, ponchos, hats, shoes, socks, scarves, sarongs, bathing suits, infant and toddler one piece clothing, jackets, and maternity wear, namely, pants, dresses, skirts, shorts, shirts, bathing suits, jackets and lingerie. First Use: 2005/07/00. First Use In Commerce: 2005/12/00.

### Description of Mark

The mark consists of The words CABANA LIFE where the "N" in CABANA is a stylized "N" that is intended to form the shape of a beach or pool cabana.

### Colors Claimed

The colors blue and light blue are claimed as features of the mark.

**Print: Nov 20, 2007**

**78664247**

**Part of Mark in Color**

The word CABANA and the design are blue, the word LIFE is light blue

**Filing Date**

2005/07/06

**Examining Attorney**

HELLA, AMY

**Attorney of Record**

Stacy B. Krieger



cabana life

**Print: Nov 20, 2007**

**78787121**

**DESIGN MARK**

**Serial Number**

78787121

**Status**

REGISTERED

**Word Mark**

TUNI&G

**Standard Character Mark**

Yes

**Registration Number**

3201222

**Date Registered**

2007/01/23

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Tuni & G PARTNERSHIP CALIFORNIA 10755 F Scripps Poway Pkwy., Suite  
#515 San Diego CALIFORNIA 92131

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Adult, child and infant clothing, namely, hats, socks, tank tops, t-shirts, long sleeve shirts, short sleeve shirts, hooded shirts, sweat shirts, sweat pants, relaxed pants; women's clothing, namely maternity shirts; infant and toddler clothing, namely one-piece clothing and infant pants. First Use: 2005/08/01. First Use In Commerce: 2005/10/25.

**Filing Date**

2006/01/08

**Examining Attorney**

RINKER, ANTHONY

**Attorney of Record**

Matthew A. Becker

Tuni&G

Print: Nov 20, 2007

78813658

**DESIGN MARK**

**Serial Number**

78813658

**Status**

REGISTERED

**Word Mark**

ROSE LA BICHE

**Standard Character Mark**

Yes

**Registration Number**

3267849

**Date Registered**

2007/07/24

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Lucy Baluteig-Gomes DBA Rose La Biche Designs SOLE PROPRIETORSHIP  
CALIFORNIA 1200 Fulton Street - Apt 610 San Francisco CALIFORNIA 94117

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely T-shirts; tank tops; tops; shirts; blouses; sweatshirts; jackets; coats; pants; skirts; dresses; shorts; vests; sleepwear; pyjamas; underwear; headwear; scarves; neckwear; belts; maternity clothes, namely, t-shirts, tops, sweatshirts, jackets, dresses, skirts, pants; infants' garments, namely one-piece garments, t-shirts, tank tops, tops, shirts, sweatshirts, jackets, dresses, skirts, pants and infants' pyjamas. First Use: 2005/12/17. First Use In Commerce: 2005/12/17.

**Name/Portrait Statement**

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**Translation Statement**

The foreign wording in the mark translates into English as the doe.

**Print: Nov 20, 2007**

**78813658**

**Filing Date**  
2006/02/13

**Examining Attorney**  
OTT, CHRISTOPHER

ROSE LA BICHE

Print: Nov 20, 2007

78826301

## DESIGN MARK

### Serial Number

78826301

### Status

REGISTERED

### Word Mark

X-ODOR

### Standard Character Mark

Yes

### Registration Number

3222106

### Date Registered

2007/03/27

### Type of Mark

TRADEMARK

### Register

PRINCIPAL

### Mark Drawing Code

(4) STANDARD CHARACTER MARK

### Owner

COLOTEX INDUSTRIAL CO., LTD. CORPORATION TAIWAN 5F., No. 13, Lane 35,  
Jihu Rd. Neihu District Taipei TAIWAN 114

### Goods/Services

Class Status -- ACTIVE. IC 024. US 042 050. G & S: Polyester fabric; Polyester cotton fabric; Bath linen except clothing; Bed blankets; Bed linen; Bed covers; Bedspreads; Bed blankets; Brocades; Calico; Printed Calico cloth; Chenille fabric; Bolting cloth; Cotton fabrics; unfitted fabric furniture covers; Coverlets; Fitted toilet lid covers of fabric; Covers for cushions; Crepe fabric; Curtain holders of textile fabric; Curtains of textile or plastic; Damask; Dimity; Door curtains; Eiderdowns down coverlets; Elastic fabrics for clothing; Fabric for the manufacture of clothing, gloves, caps, socks; Fabric for boots and shoes; Fabric of imitation animal skins; Fiberglass fabrics for textile use; Face towels of textile; Flannel fabric; Fustian; Gauze fabric; Gummed waterproof cloth, other than for stationery; Haircloth in the nature of sackcloth; Handkerchiefs of textile; Hat lining, of textile, in the piece; Hemp fabric; Jersey fabric; Knitted fabric; Cloth labels; Linen cloth; Textile fabrics for lingerie; Lining fabric for shoes; Textile used as lining for clothing; Napkins for removing make-up cloth; Textile material for use

in the manufacture of clothing; Place mats not of paper; Mattress covers; Washing mitts; Moleskin fabric for further manufacture; Table napkins of textile; Net curtains; Non-woven textile fabrics; Pillow shams. First Use: 2005/07/31. First Use In Commerce: 2005/07/31.

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Brassieres; Girdle pants; Pajamas; Bathrobes; Undershirts; Underwear; Swim suits; Vests; Shirts; T-shirts; Shoulder pads for clothing; Detachable collars; Cloth collars; Business suits; Children's garments, namely shirts, blouses, coats, pants, skirts, and socks; Halloween and masquerade costumes; Ladies clothing, namely, skirts, blouses, coats, pants, shirts and suits; Ceremonial dresses; Snow suits; Maternity clothing, namely, skirts, blouses, coats, pants and shirts; Youth suits; Baby clothing, namely, skirts, blouses, coats, pants and shirts; Goose feather coats; Leisure suits; Police uniforms; Dancing suits; Body suits for fitness; Coats; Shawls; Raincoats; Sports suits; Artificial-Leather clothing, namely, skirts, blouses, coats, pants and skirts; Canvas shoes; Gym shoes; Rubber shoes; Jogging shoes; Riding boots; Ski boots; Track and field shoes; Walking shoes; Straw hats; Rain hats; Peaked caps; Caps; Sport caps; Sun-hats; Socks; Trouser-Stockings; Sport socks; Gloves. First Use: 2005/07/31. First Use In Commerce: 2005/07/31.

**Filing Date**

2006/03/01

**Examining Attorney**

MULLEN, MARK T.

**Attorney of Record**

C. David Pai



**X-ODOR**

**Print: Nov 20, 2007**

**75627826**

**DESIGN MARK**

**Serial Number**

75627826

**Status**

REGISTERED

**Word Mark**

INCA GIRL PLUS THE GIRL DESIGN (AS SHOWN) INCA GIRL

**Standard Character Mark**

No

**Registration Number**

2735016

**Date Registered**

2003/07/08

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Inca Girl Enterprises, Inc. CORPORATION NEW YORK 20 West 33rd Street  
New York NEW YORK 10001

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing; namely, tee shirts, sweatshirts, shorts, pants, jeans, jackets, skirts, dresses, caps and socks and footwear; namely, shoes, sandals and boots. First Use: 2002/10/26. First Use In Commerce: 2002/10/26.

**Filing Date**

1999/01/26

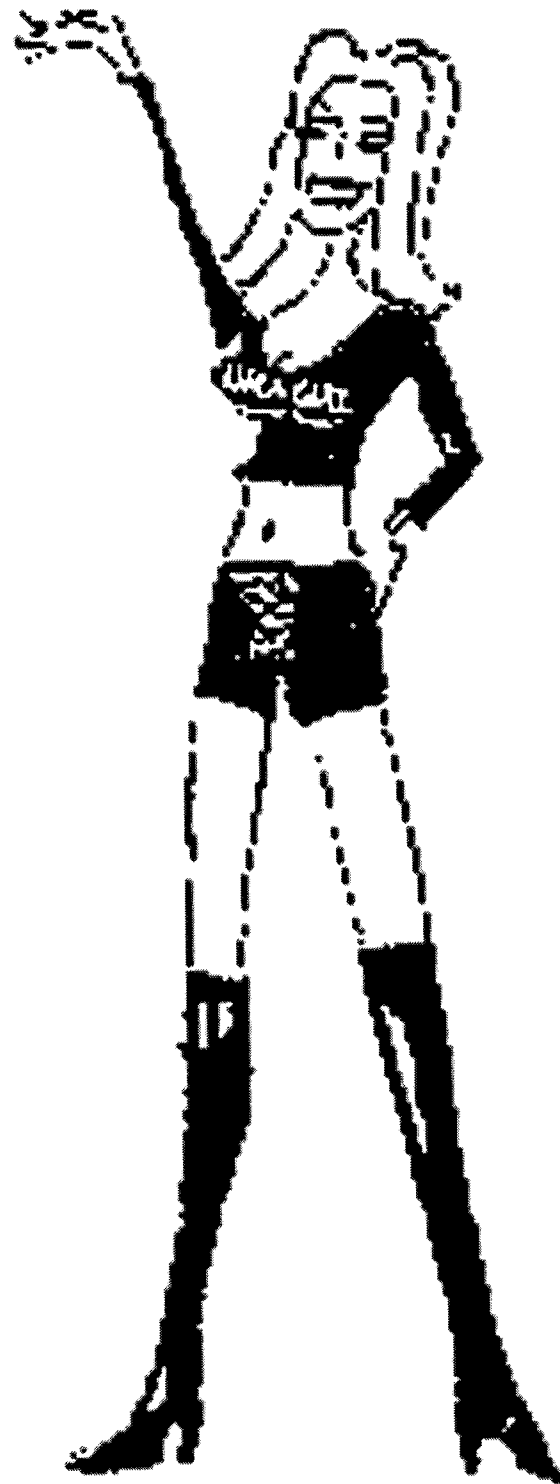
**Examining Attorney**

WILLIAMS, IRENE D.

**Attorney of Record**

Afschineh Latifi

INCA GIRL .



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type=&pbo=6005196&P=1 11/20/2007 03:40:30 PM

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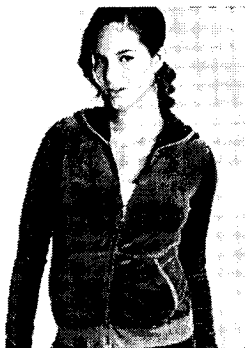
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women > maternity shop > tops & tees



### Juicy Couture Maternity Velour Hoody

Plush velour favorite keeps you comfortable and fashionable as your body changes.

- Signature 'J' zipper pull.
- Two kangaroo pockets.
- Elasticized ribbed cuffs and hem.
- Approx. length from shoulder: 24".
- Cotton/polyester; machine wash.
- By Juicy Couture; made in the USA of imported fabric.
- Available online only.

	item #	price:
Maternity	158470	\$108.00

**Fit:** Order one size larger than your pre-pregnancy size.

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Juicy Couture  
Maternity  
Velour  
Drawstring  
Pants  
\$90.00

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type=&pho=6005196&P=1 11/20/2007 03:40:30 PM



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available colors: 4



Regular sizing: P=00-0, S=2-4, M=6-8, L=10,  
XL=12.

Size:  
[Juicy Couture Women's  
Size Chart](#)

Select Size

Color:

Select Color

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Juicy Couture  
Maternity  
Long Velour  
Hoodie  
\$159.00

Shipping: Usually arrives in 5-8 business days.

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women > pants & shorts > casual



20CM IN  
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### Juicy Couture Velour Pocket Pants

Pockets in the front and back accent ultrasoft pants with a body-conscious cut.

- Elastic waist with drawstring.
- Front patch pockets, back patch pockets with snap-flap closure.
- Approx. inseam: 34".
- Cotton/polyester; machine wash.
- By Juicy Couture; made in the USA of imported fabric.
- t.b.d.

item #	price
155450	\$128.00

Fits Low rise; waistband sits 2-3" below navel.

Regular sizing: P=0, S=2-4, M=6-8, L=10-12, XL=14.

Sizes

[Juicy Couture Women's Size Chart](#)

Select Size

Colors

Select Color

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Foil Logo  
Velour Pants  
\$118.00



Juicy Couture  
Wide Leg  
Velour Pants  
\$110.00

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look



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Velour Track  
Jacket  
\$94.00



MORE COLORS

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'Edith' Flat  
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women > tops & tees > sleeveless



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available colors: 1

Grey Print

### Juicy Couture Smocked Silk Jersey Top

Thin spaghetti straps top a silk jersey top styled with a smocked bodice for a comfortably close fit. Feminine ruffles trim the neckline while gathers below the Empire waist create an easy, flowing skirt.

- Slips on over head.
- Can be worn alone or layered.
- Approx. length from shoulder: 28".
- Silky hand wash.
- By Juicy Couture; Imported.
- t.b.d.

Item #	price:
202797	\$169.00

Fits: Form-fitting at bust; easy-fitting at hip.  
Regular sizing: P=00-0, S=2-4, M=6-8, L=10, XL=12.

Sizes:  
[Juicy Couture Women's Size Chart](#)

Select Size

Colors:

Select Color

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**NEW!**  
Juicy Couture Smocked Silk Jersey Top  
\$169.00



**NEW!**  
Juicy Couture Intarsia Sweater  
\$279.00



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Juicy Couture  
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Stretch  
Denim  
Trousers  
(Dark Wash)  
\$220.00



Via Spiga  
'Ancora' Boot  
\$335.00

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Maternity 3/4 Sleeve  
Scalloped Trim Cardigan  
\$64.00



Maternity Print Long  
Sleeve Ruched Yoke  
\$34.00



Maternity Long Sleeve  
Sash Waist Woven Shirt  
\$44.00

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Brown (2)  
Green (1)  
Grey (3)  
Ivory (3)  
Metallic (1)  
Neutral (1)  
Purple (1)  
Red (7)  
White (1)

Pattern vs. Solid  
Pattern (10)  
Solid (29)

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 &showAll=Y&cm\_mmc\_c=7BBTKw1BulCIC4zfwyEbYj7wEwyzk+4zfwyEbYjCICPyBzpCIC5ywtEzEH+cBFwE%27I+gkBTbET%7CC%7Cvii  
 iiiiiiiiiiiooNx&gclid=CNrMxv77BCFQIQFQodZleNMg 11/20/2007 03:47:51 PM



Maternity Short Sleeve V-Neck Burnout Top  
\$51.00



Maternity Empire Ruched Front Dress  
691.00



Maternity Long Sleeve Wrap Top  
911.00

Print (1)  
Solid (28)

Fabric/Yarn  
Cotton (12)  
Synthetics (28)  
Wool (1)

Price  
\$59 and under (9)  
\$60-\$79 (27)  
Over \$80 (3)  
Category: View All Styles  
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Maternity 3/4 Sleeve Split Neck Dress  
\$84.00



Maternity Adjustable Waist Velveteen Boot Cut  
\$74.00



Maternity Ruched Neck Cami  
\$21.00



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[&showAll=Y&cm\\_mmc\\_c=7BBTkwi1BuIC4zfwyEbYj7wEwyzk+4zfwyEbYjCjCPyBzpCjC5rwTEzEH+cBFwE%27I+gkBtbt%7CC%7Cvii](#)  
[iiiiiiiiinoonx&gclid=CNMxv77BCFQIQFQodZisNMg](#) 11/20/2007 03:47:51 PM



Maternity Sleeveless  
Textured Top with Velvet  
\$40.00



Maternity Roll Panel Boot  
Leg Pants  
\$74.00



Maternity Demi Panel  
Original Boot Leg Jeans  
\$59.00



Maternity Long Sleeve  
Velvet Ribbon Detail  
\$54.00



Maternity Long Sleeve  
Ruched Yoke Scoop Neck  
\$26.00



Maternity Adjustable  
Waist Boot Leg Pants  
\$74.00



Maternity Roll Panel Flap  
Pocket Trousers  
\$54.00



Maternity Long Sleeve  
Embroidered Waist  
\$49.00



Maternity Ruched Scoop  
Neck Print Cami  
\$29.00

11/20/2007 03:47:51 PM



**\$49.00**



**\$49.00**



**\$104.0**



**\$43.00**



204.00



344.00

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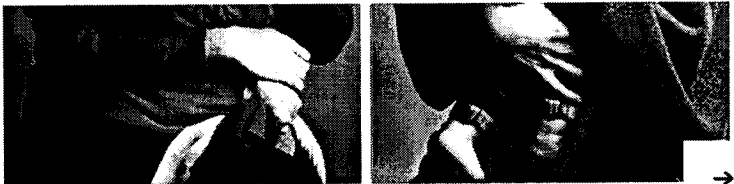
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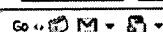




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**WARNING**

1. The USPTO will NOT send a separate e-mail with the Office action attached.
2. Failure to file any required response by the applicable deadline will result in the **ABANDONMENT** of your application.